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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,988	02/20/2004	Antonio Chiga	396/491	4381
757	7590	07/24/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE			TURK, NEIL N	
P.O. BOX 10395			ART UNIT	
CHICAGO, IL 60610			PAPER NUMBER	

1743

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/783,988

Applicant(s)

CHIGA, ANTONIO

Examiner

Neil Turk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/7/04, 6/24/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-15, 51, and 57-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. From claims 1 and 50, it states, "the spring lever comprising hook-shaped projections", this recitation lending itself to the fact that the spring levers are hook-shaped projections. In claims 2 and 51, the hook-shaped projections and spring levers seem to be two separate structural elements. The structural limitations of these claims are therefore indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 36, 48-50, 52-54, 59, and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruschke (5,556,541). Ruschke discloses a filter unit 10 having a filter element 12 (membrane, lines 46-55, col. 4) disposed internally within a housing 13 comprising a first and second housing member 16 and 14, having outlet and inlet

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comprising a first and second housing member 16 and 14, having outlet and inlet openings 17 and 15, respectively for the passage of fluid (lines 35-45, col. 4, fig. 1 and 3). Ruschke discloses alignment tabs 36 having inwardly disposed feet 38 (spring levers comprising hook-shaped projections) attached to the skirt 24 of the cover, and the alignment tabs and feet are semi-rigid with flexibility, and snap over lip 30 once the opposing housing members 14 and 16 come together (with filter member 12 between), thereby holding the parts together (lines 7-26, col. 10, fig. 5). Ruschke also disclose a thermoplastic overmold over the periphery 22 and 23 of the inlet and outlet housing member 14 and 16, forming a leak-proof matrix (lines 15-22, col. 11, fig. 1, lines 29-37, col. 12), after injection molding it thus forms a hermetic seal around the edge 28, and this may also be done with peripheral surfaces 54 and 56 (annular seal between cover and bottom) (lines 49-67, col. 6, fig. 3 and 6). Ruschke discloses that housing parts 14 and 16 (part 16 includes the hook-shaped projections) are made of thermoplastic material, chosen from a wide variety of plastic materials such as polypropylene, ABS, acrylic co-polymer, and others (lines 56-67, col. 4). Ruschke discloses that the housing member 14 has a central recessed portion 20 with radially extended supporting ribs 21 (elements 20 and 21 comprise a disk-shaped supporting body), which combine to support filter element 12 (disk (lines 63-67, col. 4, fig. 3; lines 3-5, col. 5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-6, 16-18, 28-31, 36, 51, and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruschke in view of Hering (3,085,689). Ruschke has been discussed above. Ruschke does not disclose spring levers comprise upwardly projecting actuation flaps laterally projecting from the cover, and Ruschke does not explicitly disclose the plurality of spring levers comprises three spring levers distributed equidistantly around the circumference of the cover. Hering discloses a filter assembly, which includes an inlet housing 16 and outlet housing 18 which are connected together by a quickly detachable connecting means 20, consisting of lugs 20a and cooperating, upwardly and laterally projecting cam lugs 20b (spring levers upwardly projecting from the circumference of cover 16 and laterally shown given surface 32) (lines 44-49, col. 2,

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fig. 4; lines 1-11, col. 3). Hering also discloses the outlet housing is provided with six lugs 20a (lugs and cams comprise six spring levers), which are placed radially around the housing wall, and which mate with the cam lugs 20b by turning and telescoping the housings 16 and 18 to bring the housings together in a locked engagement (lines 70-72, col. 2; lines 1-10, col. 3, fig. 4). Hering also discloses an annular sealing ring 50 and a clamping ring 57, which engages an inner shelf 62 (disk-shaped supporting medium) (which includes a plurality of ribs 48) of the annular gasket 50 and clamps the periphery 64 of the filter medium 38 (lines 20-30, col. 3; lines 18-21, col. 4, fig. 3 & 4). It would have been obvious to modify the Ruschke device to include at least three spring levers upwardly and laterally projecting from the cover, such as taught by Hering in order to provide structures which can easily bring together and apart the inlet and outlet housings of the filter device in a secure manner.

Claims 7, 19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruschke in view of Hering and in further view of Sklar (5,308,483). Ruschke and Hering have been discussed above. Ruschke/Hering do not disclose a porous supporting body for the filter membrane. Sklar discloses a microporous filtration funnel assembly that includes a filter pad 36 made of cellulose (porous), which supports a filter membrane (lines 14-16, col. 3, line 35, col. 4, fig. 2). It would have been obvious to modify the Ruschke/Hering device to include a porous supporting body for the filter, such as taught by Sklar such as to provide the filter with sufficient support so as to maintain its shape.

Claims 8-15, 20-27, 33-35, 37-47, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruschke in view Hering, in further view of Sklar, and in further view of Spence (4,783, 321). Ruschke, Hering, and Sklar have been discussed above. Ruschke/Hering do not disclose a filter membrane with a lateral tongue. Spence discloses an assembly with filter paper 20, having tabs 32 to provide for quick and easy removal of the installed paper (lines 33-43, col. 2, fig. 2). It would have been obvious to modify the Ruschke/Hering/Sklar device to include filter paper with tabs such as taught by Spence so as to provide a filter membrane that could be easily engaged so as to remove the installed filter membrane.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Turk whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT

  
Jill Warden  
Supervisory Patent Examiner  
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